

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CATHERINE B.,

Plaintiff,

v.

5:23-CV-0576 (GTS/DJS)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

HILLER COMERFORD
INJURY & DISABILITY LAW, PLLC
Counsel for Plaintiff
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Amherst, NY 14226

JUSTIN M. GOLDSTEIN, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF GENERAL COUNSEL, OFFICE 2
6401 Security Boulevard
Baltimore, MD 21235

FERGUS KAISER, ESQ.
Special Assistant U.S. Attorney

GLENN T. SUDDABY, United States District Judge¹

DECISION and ORDER

Currently before the Court, in this Social Security action filed by Catherine B. (“Plaintiff”) against the Commissioner of Social Security (“Defendant” or “Commissioner”) pursuant to 42 U.S.C. § 405(g), is the Report-Recommendation of United States Magistrate Judge Daniel J. Stewart, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(d), recommending that Plaintiff’s motion for judgment on the pleadings be denied, and that Defendant’s motion for judgment on the pleadings be granted. (Dkt. Nos. 12, 14, 16.) No objections to the Report and

¹ This case was originally assigned to the Hon. Thomas J McAvoy, Senior U.S. District Judge, and has been reassigned to the undersigned.

Recommendation have been filed, and the time to do so has expired. (*See generally* Docket Sheet.)

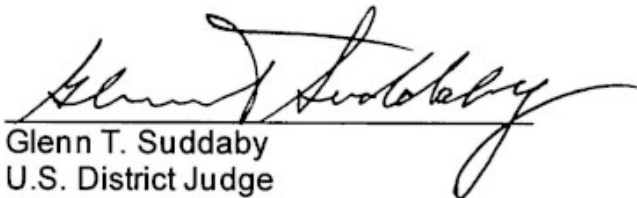
After carefully reviewing all of the papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation.² Magistrate Judge Stewart employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 16.) As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein. (*Id.*)

ACCORDINGLY, it is

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 12) is **DENIED**, and that Defendant's motion for judgment on the pleadings (Dkt. No. 14) is **GRANTED**; and it is further

ORDERED that the decision by the Commissioner of Social Security to deny Plaintiff benefits under the Social Security Act is **AFFIRMED**, and Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: July 25, 2024
Syracuse, New York


Glenn T. Suddaby
U.S. District Judge

² When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).